

**CALDWELL COUNTY  
COMMISSIONERS COURT MINUTES  
1403 Blackjack Street, Lockhart, Texas  
December 10, 2012**



**TOM D. BONN** County Judge  
**CAROL HOLCOMB** County Clerk

**JOHN P. CYRIER** Commissioner Pct. 1  
**FRED F. BUCHHOLTZ** Commissioner Pct. 2  
**NETO MADRIGAL** Commissioner Pct. 3  
**JOE IVAN ROLAND** Commissioner Pct. 4

**Commissioner Madrigal not present at start of meeting  
Call Meeting to order.**

**12.10.01 Invocation-** Caldwell County Christian Ministries.

Meeting was opened with prayer from a member of the Caldwell County Christian Ministries.

**12.10.02 Pledge of Allegiance to the Flags.** (Texas Pledge: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible).  
Judge Bonn led the Pledge to both Flags.

**Commissioner Madrigal arrived after Pledge to Flags.**

**12.10.03 Announcements:** Items or comments from Court Members or Staff.

Judge Bonn and Commissioner Cyrier commented about the Heisman Trophy winner being from Texas A & M University.

**12.10.04 Citizens' Comments:** At this time any person may speak to Commissioners Court if they have filled out a Caldwell County Commissioners Court Participation Form. Comments will be limited to four (4) minutes per person. No action will be taken on these items and no discussion will be had between the speaker(s) and members of the Court. The Court does retain the right to correct factual inaccuracies made by the speakers. (If longer than 30 minutes, then the balance of comments will continue as the last agenda item of the day).

Susan Modrall spoke concerning Agenda item # 10. She asked if the placement of GPS system would be for efficiency or trust of County employees. Kathy Sellers spoke about #10 also. She feels that it is a waste of the tax-payers money. Susan Stewart spoke concerning Agenda item #8, the update of the Caldwell County Transportation Plan. Kathy Haigler spoke about her Public Record request about Commissioner Madrigal. Sarah Hoover spoke about the Clean Air Force of Central Texas and the work that they do.

**12.10.05 Commissioners Court Minutes.** Approval of November 13, 2012 and November 19, 2012 Minutes.

Motion made by Commissioner Buchholtz, second by Commissioner Roland to approve the minutes dated November 13, 2012 and November 19, 2012, with corrections discussed. All Voting "Aye". Commissioner Cyrier abstained from vote due to absence of November 13 meeting.

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**12.10.06 Consent Agenda.** (Any member of the Court may request that an item within the Consent Agenda be moved to the Regular Agenda for further discussion and action).

Letter (B) will be discussed after Special Presentations at the request of Commissioner Roland.  
Letter (H) will be discussed after Special Presentations at the request of Commissioner Madrigal.

- A. To approve audit conducted by the County Auditor's Office of the District Attorney's seizure and forfeiture accounts for fiscal year September 1, 2011 through August 31, 2012.
- C. To approve McMahan Volunteer Fire Department Internal Revenue Service Form 990EZ for the year ending 2011 as required by the Rural Fire Protection Service Contract to continue monthly compensation to the Volunteer Fire Department.
- D. To approve imaging contract between County Clerk and DFW Scanning.
- E. To approve Proclamation to honor Retiring District Judge Charles Ramsay. District Judge Todd Blomerth read the Proclamation to all present.
- F. To accept certification of completion of continuing education for Judge Tom D. Bonn issued by Texas Judicial Academy.
- G. to approve the following Surety bonds and continuation certificates for the following Caldwell County employees:

Jenifer Watts, Court Clerk of Justice of the Peace, Precinct 3 Continuation Certificate of Bond No. 15530860 in the sum of \$1,000.00 made payable to the Caldwell County Judge for the term beginning December 11, 2012 and ending December 11, 2013.  
Cost: \$50.00.

Homer Horne, Justice of the Peace Judge, Precinct 3, Official Bond and Oath Bond No. 15530861 in the sum of \$1,000.00 made payable to the Caldwell County Judge for the term beginning January 1<sup>st</sup>, 2012 for one year. Cost: \$50.00.

Daniel Law, Sheriff, Official Bond and Oath Bond Number 14268134 in the sum of \$5,000.00 made payable to the Governor of Texas for a term of 4 years commencing on the 1<sup>st</sup> day of January, 2013.  
Cost: \$50.00.

Raymond D. Deleon, Justice of the Peace Judge Precinct 4, Official Bond and Oath Bond No. 15530862 in the sum of \$1,000.00 made payable to Caldwell County Judge for a term of one year commencing on the 1<sup>st</sup> day of January, 2013 Cost: \$50.00.

Neto Madrigal, Commissioner Precinct 3, Official Bond and Oath No. 15663556 in the sum of \$3,000.00 made payable to Caldwell County Treasurer for a term of 4 years commencing on the 1<sup>st</sup> day of January, 2013. Cost: \$50.00.

Victor S. Terrell, Constable Precinct 1, Official Bond and Oath Bond No. 15528920 in the amount of \$1,500.00 made payable to the Governor of Texas for a term of 4 years commencing on the 1<sup>st</sup> day of January 2013. Cost: \$92.50.

Dwight Jeffrey, Road Administrator, Continuation Certificate of Bond No. 14938679 in the sum of \$3,000.00 made payable to Caldwell County Judge for a term beginning January 1<sup>st</sup>, 2013 and ending January 1<sup>st</sup>, 2014. Cost: \$50.00.

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Shanna Conley, Court Clerk for Justice of the Peace 2, Continuation Certificate Bond No. 15530866, in the sum of \$1,000.00 made payable to Caldwell County Judge for a term beginning January 8<sup>th</sup>, 2013 and ending January 8<sup>th</sup>, 2014. Cost: \$50.00.

Margarito Zapata, Constable Precinct 3, Official Bond and Oath No. 15663557 in the amount of \$1,500.00 made payable to the Governor of Texas for a term of 4 years commencing on the 1<sup>st</sup> day of January 2013. Cost: \$50.00.

Richard Callihan, Constable Precinct 2, Continuation of Certificate of Bond No. 14268135 in the amount of \$1,500.00 made payable to the Governor of Texas for a term commencing on 1<sup>st</sup> day of January 2013 and ending January 1<sup>st</sup>, 2014. Cost: \$50.00.

Regan Hicks III, District Attorney, Continuation of Certificate of Bond No. 14918872 in the amount of \$5,000.00 made payable to Caldwell County for a term commencing on 1<sup>st</sup> day of January 2013 and ending January 1<sup>st</sup> 2014. Cost: \$50.00.

Lori Rangel Pompa, County Treasurer, Continuation of Certificate of Bond No. 15530864 in the amount of \$100,000.00 made payable to Caldwell County for a term commencing on 1<sup>st</sup> day of January, 2013 and ending January 1<sup>st</sup>, 2014. Cost: \$500.00.

Motion made by Commissioner Cyrier, second by Commissioner Buchholtz to approve Consent Agenda, except for items B & H. All Voting "Aye"

**12.10.07 County Administrator Report/Presentation.**

- A. Sales Tax Report
- B. Sanitation and Subdivision Report
- C. Federal Prisoner Report
- D. Update on use of Reserve Funds – Fiscal Year Ending 09-30-2012

County Administrator Ron Heggemeier gave the reports and follow up research to explain the Sales Tax totals that were below the budgeted amounts. This was caused by a Hays County business reporting taxes to the wrong county. It is expected that income will be back to the expected totals within the next six months. He reported that there won't be any funds used from Reserve Funds for the Fiscal Year Ending 09-30-2012.

**12.10.08 Special Presentations.**

Presentation by Arin Gray, Concept Development Planning, L.L.C. to give update of the Caldwell County Transportation Plan.

A representative from Concept Development Planning, L.L.C. gave update of the Caldwell County Transportation Plan. She answered questions from the citizens and Court members concerning upcoming meetings. The dates for public meetings and other information are listed on the plans website : <http://caldwelltransportation.com/project/>

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Items removed from Consent Agenda

- B.** To approve audit conducted by the County Auditor's Office of the Sheriff's Office, Chapter 59 Asset Forfeiture Account for fiscal year October 1, 2011 through September 30, 2012.

Motion made by Commissioner Cyrier, second by Commissioner Buchholtz to approve audit conducted by the County Auditor's Office of the Sheriff's Office, Chapter 59 Asset Forfeiture Account for fiscal year October 1, 2011 through September 30, 2012. Commissioner Cyrier-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-No, Commissioner Roland-No, Judge Bonn-Yes. Motion Passed

- H.** Update County's Personnel Policies adopted 05-09-2005 by amending sections 1.03, 1.06, 1.09, 3.01, 3.02, 3.03, 3.05, 3.11, 10.04, 11.04, 13.09, and 15.00 to refer to "Human Resources Department" instead of "County Treasurer."

Motion made by Commissioner Madrigal to table this item. Motion withdrawn. Motion made by Commissioner Cyrier, second by Commissioner Buchholtz to approve the update for County's Personnel Policies adopted 05-09-2005 by amending sections 1.03, 1.06, 1.09, 3.01, 3.02, 3.03, 3.05, 3.11, 10.04, 11.04, 13.09, and 15.00 to refer to "Human Resources Department" instead of "County Treasurer." All Voting "Aye"

**(ALL OTHER AGENDA ITEMS)**

- 12.10.09 EXECUTIVE SESSION** concerning deployment of GPS devices on non-law enforcement County-owned vehicles pursuant to Texas Government Code Section 551.076, (Deliberations about deployment of security personnel or devices).

Executive Session began: 10:20 a.m.

Reconvene: 11:18

No Action Taken.

- 12.10.10 Discussion/Action** concerning deployment of GPS devices on non-law enforcement County owned vehicles.

Motion made by Commissioner Buchholtz, second by Commissioner Cyrier to use borrowed or loaned 2 GPS devices to be used on non-Unit Road and non-Law Enforcement vehicles for one week. This data will then be brought back to the Court for further discussion. County Administrator Ron Heggemeier says that these are being tested for employee safety, County liability and cell capability throughout the county. Commissioner Roland does not feel that this is necessary but will vote Aye for the testing. All Voting "Aye"

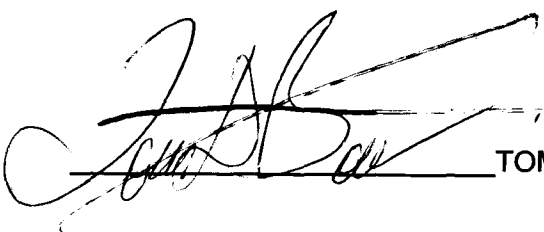
- 12.10.11 Opening of submissions** in response to RFQ #2012-101 Construction Manager-at-Risk for the conversion of the former Walmart at 1703 S. Colorado Street, Lockhart, Texas into a Judicial Center.

Submission from Weaver & Jacobs Construction, Cuero, Texas was opened and given to Robert Steinbomer of Steinbomer, Bromwell and Vrazel Architects.

INTEREST <sup>1.35%</sup> ~~3.5%~~ 1st Lockdown NATURAL  
SET-ASIDE FOR PRINCIPLE GRANTS

- 12.10.12 Discussion/Action** to reconsider the investment of the \$740,000.00 for the employee retirement plan and that we invest the funds in our Texas County District Retirement System.  
Tim Krause, TCDRS Employer Services Representative spoke to the Court giving the overview of the future rates for the retirement plan and the estimated savings. Motion made by Commissioner Buchholtz, second by Commissioner Cyrier to move the \$740,000.00 for retirement into the pension plan this month. Commissioner Cyrier-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-No. Motion Passed
- 12.10.13 Discussion/Action** regarding the successful Caldwell County Community Clean Up Event in Maxwell and the additional need for tire disposal at the next three (3) events to take place in 2013.  
Motion made by Commissioner Cyrier, second by Commissioner Madrigal to approve the additional \$3000.00 to the Clean-up events to be used with the discretion of Nick Dornak for tire disposal. All Voting "Aye"
- 12.10.14 Discussion/Action** Update on Caldwell County Feral Hog Bounty Program and a request for additional funding.  
Nick Dornak gave an overview of the progress and the awards that the local businesses have donated for this program. Motion made by Judge Bonn, second by Commissioner Cyrier to approve an addition \$1,000.00 for the Caldwell County Feral Hog Bounty Program with provision that there are two of them on a pit at the awards ceremony. All Present Voting "Aye"
- 12.10.15 Discussion/Action** to approve Memorandum of Understanding with Seton Edgar B. Davis Hospital for administration of indigent health care program for Caldwell County.  
Motion made by Commissioner Buchholtz, second by Commissioner Roland to approve Memorandum of Understanding with Seton Edgar B. Davis Hospital for administration of indigent health care program for Caldwell County. All Voting "Aye"
- 12.10.16 Discussion/Action** to adopt river safety ordinance restricting motorboats on the San Marcos River between Martindale Dam and Scull's Crossing.  
Motion made by Commissioner Madrigal, second by Commissioner Buchholtz to adopt river safety ordinance restricting motorboats on the San Marcos River between Martindale Dam and Scull's Crossing. All Voting "Aye"
- 12.10.17 Discussion/Action** to approve Inter-local agreement with Guadalupe County for joint enforcement of counties' river safety ordinances restricting motorboats on the San Marcos River between Martindale Dam and Scull's Crossing.  
Motion made by Commissioner Madrigal, second by Commissioner Buchholtz to approve Inter-local agreement with Guadalupe County for joint enforcement of counties' river safety ordinances restricting motorboats on the San Marcos River between Martindale Dam and Scull's Crossing. All Voting "Aye"

- 12.10.18 Discussion/Action** to approve road maintenance interlocal agreement with City of Martindale. Motion made by Commissioner Madrigal, second by Commissioner Roland to approve road maintenance inter-local agreement with City of Martindale. All Voting "Aye"
- 12.10.19 Discussion/Action** concerning approval of low bid for building repair and painting at Scott Annex (to be paid from C.O. Bonds). Motion made by Commissioner Madrigal, second by Commissioner Cyrier to approve bid for building repair and painting to M & M Roofing and Siding in the amount of \$27,6000.00. All Voting "Aye"
- 12.10.20 Discussion/Action** regarding Outdoor Burning Ban for Caldwell County. Emergency Management Coordinator Jimmy Parker spoke to the Court advising them of ground and weather conditions. He felt it was ok to advise to leave the Burn Ban off at this time. Motion made by Commissioner Roland, second by Commissioner Cyrier to leave the Burn Ban off at this time. All Voted "Aye"
- 12.10.21 Discussion/Action** regarding adoption of an order regulating fireworks for the December 2012 fireworks season in either unincorporated areas or in specified areas of Caldwell County. No Action Taken.
- 12.10.22 Discussion/Action** to approve cancellation of the December 24, 2012 Commissioners Court due to the Christmas Holiday. Motion made by Commissioner Cyrier, second by Commissioner Buchholtz to approve cancellation of the December 24, 2012 Commissioners Court due to the Christmas Holiday. All Voting "Aye"
- 12.10.23 Discussion/Action** concerning meeting location for calendar year 2013 Commissioner Court Meetings. County Administrator Ron Heggemeier let the Court know that this item would not be voted on until January, 2013. Discussion only.
- 12.10.24 Pay Bills –**
- |                   |                     |
|-------------------|---------------------|
| November 29, 2012 | \$ 79,594.32        |
| December 10, 2012 | <u>\$315,097.42</u> |
| Total             | \$394,691.74        |
- Motion made by Commissioner Cyrier, second by Commissioner Roland to pay the bills for November 29, 2012 in the amount of \$79,954.32 and the bills for December 10,2012 in the amount of \$315,097.42 totaling the amount of \$394,691.74. All Voting "Aye"
- 12.10.25 Adjournment**  
Motion made by Commissioner Roland, second by Commissioner Buchholtz to Adjourn. All Voting "Aye"



TOM D. BONN, County Judge